

Remarks/ Arguments

Claims 1 to 11, 13, 15 to 29, 32 to 35, 37 to 42, 45, 53, and 73 are pending in this patent application.

The Action includes rejections under the judicially created doctrine of obviousness-type double patenting. In view of the following remarks, reconsideration and withdrawal of the rejections are requested respectfully.

Claims 1 to 29, 32, 35, 37 to 45, and 53 to 73 have been rejected under the judicially-created doctrine of obviousness-type double patenting as allegedly being unpatentable over Claims 55 to 71, 73 to 77, and 80 to 90 of commonly-owned allowed patent Application No. 10/295,568, **now U.S. Patent No. 7,404,990**, optionally in view of U.S. Patent No. 6,068,884 to Rose et al. ("Rose"). Although Applicants traverse this rejection, Applicants submit herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321 to overcome the rejection.

Claims 1 to 11, 13, 15, 16, 25 to 29, 32 to 35, 37 to 45, 53 and 73 have been provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1 to 14, 20 to 22, 24 to 27, and 30 of commonly-owned copending Application No. 10/842,503 ("the 503 application"), optionally in view of Rose. Although Applicants disagree that the claims of the above-identified applications render the present claims obvious, Applicants request that the provisional obviousness-type double patenting rejections be held in abeyance because a suitable terminal disclaimer may be filed if the 503 application issues before the allowance of the claims of the present application.

Claims 1 to 11, 13, 15, 16, 25 to 29, 32 to 35, 37 to 45, 53 and 73 have been rejected under the judicially-created doctrine of obviousness-type double patenting as allegedly being unpatentable over Claims 1 to 55 of commonly-owned patent Application No. 11/228,223,

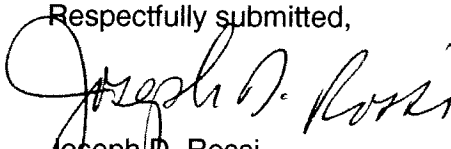
now U.S. Patent No. 7,332,447, optionally in view of Rose. Although Applicants traverse this rejection, Applicants submit herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321 to overcome the rejection.

Conclusion

Applicants believe that the foregoing constitutes a complete and full response to the Action of record. Applicants respectfully submit that this application is now in condition for allowance. Accordingly, an indication of allowability and an early Notice of Allowance are respectfully requested.

The Commissioner is hereby authorized to charge the fee required and any additional fees that may be needed to Deposit Account No. 01-0493 in the name of Air Products and Chemicals, Inc.

Respectfully submitted,



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